

1 Tony H. Ashtiani
P.O.Box 12723
2 Tamuning Guam 96931
671-688-4844
3 671-653-5575

4 UNITED STATES DISTRICT COURT

5 DISTRICT OF GUAM

6 Tony H. Ashtiani,)
7)
Plaintiff,) Civil Case No.: 02-00032
8)
Vs.)
9)
Continental Micronesia Inc,)
10) DECLARATION OF TONY H. ASHTIANI
Dba, Continental Micronesia,)
11) USCA 28 & 1746
Continental Airlines,)
12)
Defendant)
13)

14 I, Tony H. Ashtiani hereby declare as follows:

15 1. I am pro se plaintiff in the above entitled action this
16 declaration is based upon matters within my own knowledge, and
17 if called upon to testify, I will testify as set forth herein.
18

19 1. A true and correct copy of defense counsel letter dated
20 December 30th 2003, denying plaintiff hearing for our Motion to
21 Strike is to be heard is attached as EXHIBIT A.
22

23 2. A true and correct copy PDN page 41 dated January 16,
24 2004, Director of maintenance at CMI, Exhibit B. I was attending
25 Mr. Parry's services On January 16, 2004 when Ms. McDonald

1 called and I stated that I did not have a calendar in front of
2 me and that I will look at my schedule and will call her in few
3 days. Rather she kept calling me pushing for a hearing because
4 defendant failed to reply in pursuant to LR 7.1.
5

6 3. Plaintiff did not agree on any hearing date on January
7 16, 2004 with Ms. McDonald, On January 19, 2004, initially I had
8 agreed to February 06, 2004. then defendant changed it to Feb 13
9 2004 as she kept calling and pushing for it.
10

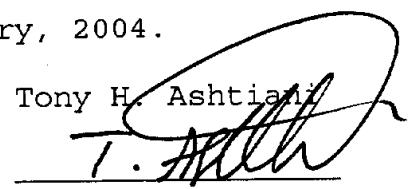
11 4. However I had come to conclusion to disagree to have any
12 hearing regarding Motion to strike and I have stated my reasons,
13 a true and correct copy of that letter Dated January 21, 2004 is
14 attached as EXHIBIT C.
15

16 5. I served defendant the letter dated January 21 2004 at
17 11:21 AM. stating my disagreement, afternoon defendant filed a
18 agreement of hearing date with District Court Of Guam.
19

20 I declare under penalty and perjury that the forgoing is
21 true and correct.

22 Executed this 26th day of January, 2004.

23 Tony H. Ashtiani

24 
25 Pro se plaintiff

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

BANK OF HAWAII BLDG., SUITE 401
134 WEST SOLEDAD AVENUE, P.O. BOX BF
HAGATNA, GUAM 96932-5027
TELEPHONE 671.472.6813 FAX 671.477.4375
WWW.CARLSMITH.COM

T. Ashtiani
Dec 30 2003
1700

DIRECT DIAL NO.

EMCDONALD@CARLSMITH.COM

December 30, 2003


Mr. Tony H. Ashtiani
Post Office Box 12723
Tamuning, Guam 96931

Re: Tony Ashtiani v. Continental Airlines, Inc.
Civil Case No. CV02-0032

Dear Mr. Ashtiani:

As you will have noticed from Continental's response to your Cross-Motion to Strike, Continental believes your Cross-Motion was not timely filed. Continental declines to agree to any hearing date on a Motion that has not been timely filed.

Sincerely,


for Elyze McDonald

EJM/jmc
4822-6908-6720.1.013280-00079

HONOLULU • KAPOLEI • HILO • KONA • MAUI • GUAM • SAIPAN • LOS ANGELES • WASHINGTON, D.C.

In Celebration of His New Life

Idris David Parry

Fondly known as "Bud"

*Of Nimtz Hill Estates passed away on Thursday
Jan. 8, 2004 at the age of 62 years. He is
predeceased by his Parents: Leslie & Isabele
Parry. Aunts/Uncles: Idris Norman, Ben,
Olwen, Meghan and David Parry*

*His memories will live on in the hearts of
His Sons: David, Russell and Erik Parry,
Daughters-in-law: Joanna and Krystel,
Granddaughters: Victoria and Aydon,
Brother: Russell,
Former Wives: Mairi, Vivien*

*Last respects may be paid on Friday,
Jan. 16, 2004 at the Agana Cathedral
Basilica beginning at 9:00am. Mass of
Christian burial will be offered at 12 noon,
and a private cremation thereafter.*

At: Mortuary & Crematoriums



41

Burial: Family Maus. Friday, January 16, 2004. guampdn.com

Tony H. Ashtiani
P.O.Box 12723
Tamuning Guam 96931
TEL/FAX 1-(671) 653-5575
CELL 1-(671) 688-4844

RECEIVED
CARLSMITH BALL

Date: 1/21/04
11:20 AM

January 21, 2004

CARLSMITH BALL LLP

Ms. Elyze McDonald
Bank of Hawaii Bldg., Suite 401
134 West Soledad Avenue
Hagatna, Guam 96932-5027

Re: Hearing on Motion to Strike

In District Court of Guam CV. 02-00032

Dear Attorney Ms. McDonald and Attorney Mr. Ledger.

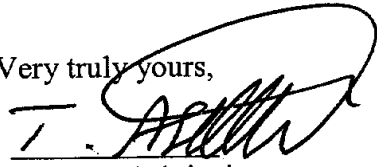
Thank you for your letter dated December 30th 2003, for your convenience I have attached it to my correspondence. I was very please to hear from you on January 16 and 19, 2004, via telephone in which defendant persisting to request for hearing in reference to Motion to Strike.

Although, On January 19, 2004, initially I had agreed to February 13, 2004, I have come to conclusion to disagree to have any hearing regarding this matter for the forgoing reasons:

- 1) Federal Rule of Civ P. (Rule 12) is silent about hearing.
- 2) Defendant's exhibits is unworthy of belief and speaks for themselves.

If Honorable Chief Judge John S. Unpingco of United States District Court sees fit necessary for hearing, I will be more than happy to attend such hearing.

Very truly yours,


Tony H. Ashtiani